

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

PETCO PETROLEUM CORPORATION and
BERGMAN PETROLEUM CORPORATION,

Plaintiffs,

v.

NATURAL GAS PIPELINE COMPANY OF
AMERICA,

Defendant.

Case No. 03-cv-4086-JPG

JUDGMENT

This matter having come before the Court, the issues having been heard, and the Court having rendered a decision,

IT IS HEREBY ORDERED AND ADJUDGED that Count I, a claim under the Natural Gas Pipeline Safety Act, 49 U.S.C. § 60101, *et seq.*, and Count II, a claim for a declaratory judgment that plaintiff Bergman Petroleum Corporation's and plaintiff Petco Petroleum Corporation's rights in the New Albany Shale are superior to defendant Natural Gas Pipeline Company of America's rights, are dismissed without prejudice; and

IT IS FURTHER ORDERED AND ADJUDGED that Count III, a claim for trespass based on the migration of defendant Natural Gas Pipeline Company of America's gas into the New Albany Shale and the Carper Sand and on its interference with plaintiff Bergman Petroleum Corporation's and plaintiff Petco Petroleum Corporation's operations in those geological formations and others above it, is dismissed with prejudice.

DATED: June 3, 2011

NANCY J. ROSENSTENGEL, Clerk of Court

s/Brenda K. Lowe, Deputy Clerk

Approved: s/ J. Phil Gilbert
J. PHIL GILBERT
DISTRICT JUDGE